

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAYMOND ANTHONY GOODLOE,

Defendant-Appellant.

UNPUBLISHED

June 25, 1999

No. 204646

Jackson Circuit Court

LC No. 97079468 FH

Before: Gribbs, P.J., and Kelly and Hood, JJ.

MEMORANDUM.

Defendant appeals as of right from his jury trial conviction for possession of a stolen license plate MCL 257.257; MSA 9.1957. Defendant was adjudicated and sentenced as a fourth habitual offender, MCL 769.12; MSA 28.1084, to three to twenty years' imprisonment. We affirm.

Defendant first argues that the habitual offender conviction should be vacated because no separate hearing was held to determine the existence of the prior felony convictions. There is no merit to this issue. Defendant's presentence report demonstrated the existence of his three previous felony convictions. See MCL 769.13(5); MSA 28.1085(5). Moreover, when the trial judge asked defendant and defense counsel if there were any inaccuracies in the presentence report, both defendant and defense counsel explicitly and implicitly acknowledged defendant's record as an habitual offender. Due process is satisfied where, as here, the sentence is based on accurate information and the defendant had a reasonable opportunity at sentencing to challenge the information. *People v Williams*, 215 Mich App 234, 236; 544 NW2d 480 (1996).¹

Defendant also argues that the trial judge's examination of defendant impermissibly attacked his credibility and denied him a fair trial. We do not agree. Michigan Rule of Evidence 614(b) provides that a court "may interrogate witnesses, whether called by itself or by a party." We find that the trial judge's examination only served to clarify testimony and to elicit additional

relevant information and did not influence the jury to the detriment of defendant's case. *People v Cheeks*, 216 Mich App 470, 480; 549 NW2d 584 (1996).

Affirmed.

/s/ Roman S. Gibbs

/s/ Michael J. Kelly

/s/ Harold Hood

¹ Based on the arguments made in defendant's brief, it is apparent that defendant's attorney was relying on MCL 769.13(5); MSA 28.1085(5) and its interpretive case law as they existed before the May 1, 1994 amendment to the statute.